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Receipt

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George M. Johnson; Ross Tsukashima; John T. Kilcoyne; Mathew T. Yurek; Scott Harris; Philip J. Simpson Confirmation No. 7813

Serial No.: 09/702,002

Filed: October 30, 2000 Customer No.: 28863

Examiner: John P. Lacyk

Group Art Unit: 3735

Docket No.: 1065-011US04

Title: METHOD AND DEVICE FOR TREATING GASTROESOPHAGEAL REFLUX DISEASE

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on

August 9, 2006.

By:

Angela Watson
Name: Angela Watson

MAIL STOP ISSUE FEE
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached correspondence relating to this application:

- ☒ Transmittal sheet containing Certificate of Mailing
- ☒ Request for Corrected Filing Receipt (2 pgs.)
- ☒ Exhibits A-E
- ☒ Return postcard

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date:

8/9/06

By:

Jason D. Kelly
Name: Jason D. Kelly
Reg. No.: 54,213

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PATENT

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Applicants:	George M. Johnson; Ross Tsukashima; John T. Kilcoyne; Mathew T. Yurek; Scott Harris; Philip J. Simpson	Confirmation No.	7813
Serial No.:	09/702,002		
Filed:	October 30, 2000	Customer No.:	28863
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Group Art Unit:	3735		
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Title:	METHOD AND DEVICE FOR TREATING GASTROESOPHAGEAL REFLUX DISEASE		

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests correction of the records of the United States Patent and Trademark Office (USPTO) and issuance of a corrected filing receipt. The USPTO has issued a number of filing receipts for the present application. Applicant believes that the most recent was the replacement filing receipt mailed July 3, 2002. A photocopy of the replacement filing receipt showing the two corrections requested by Applicant is attached as Exhibit A.

First, the "Applicant(s)" section of filing receipt should be corrected to add "Philip J. Simpson, Escondido, CA" as an inventor. A Petition to Correct Inventorship, including all supporting documentation, was submitted to the USPTO on December 11, 2001. A complete copy of this transaction, including a copy of the recorded Assignment and USPTO-stamped return post cards, is attached as Exhibit B for your convenience.

The Office Action mailed July 31, 2002, indicated that the Petition to Correct Inventorship had been granted. The Office Action further indicated that the records of the USPTO would be accordingly corrected, and that a corrected filing receipt would be issued. It

does not appear that either of these actions has been taken. A copy of the Office Action mailed July 31, 2002, is attached as Exhibit C for your convenience.

Second, the "Domestic Priority" section of the filing receipt should include the priority claim properly made by Applicant at the time of filing. The first page of the application as filed, immediately following the Title, includes a statement indicating that the present application is a continuation-in-part of application serial no. 09/524,478, filed on March 13, 2000, which is a continuation-in-part of application serial no. 09/287,607, filed on April 7, 1999. Application serial no. 09/287,607 issued as U.S. Patent No. 6,098,629 on August 8, 2000, and application serial no. 09/524,478 issued as U.S. Patent No. 6,338,345 on January 15, 2002.

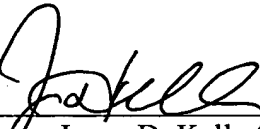
The properly-made priority claim was recognized by the USPTO as evidenced by its inclusion on the first filing receipt for the application, which was mailed on February 6, 2001. Later filing receipts, including the most recent replacement filing receipt mailed July 3, 2002, omit the priority claim. The first page of the application as filed and the first filing receipt of the application are attached as Exhibits D and E, respectively, for your convenience.

Correction of the records of the United States Patent and Trademark Office and issuance of a corrected filing receipt are respectfully solicited.

Date:

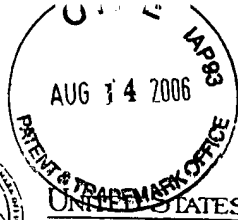
8/9/06

By:


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EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/702,002	10/30/2000	3736	613	BQD-003.01	12	37	4

CONFIRMATION NO. 7813

20995

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REPLACEMENT FILING RECEIPT



OC000000008391624

Date Mailed: 07/03/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

George M. Johnson, Santa Ana, CA;
John T. Kilcoyne, San Diego, CA;
Ross Tsukashima, San Diego, CA;
Matthew T. Yurek, San Diego, CA;
Scott Harris, San Diego, CA;
Philip J. Simpson, Escondido, CA

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/524,478 03/13/2000 PAT 6,338,345
WHICH IS A CIP OF 09/287,607 04/07/1999 PAT 6,098,629

Foreign Applications

If Required, Foreign Filing License Granted 02/05/2001

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Method and device for treating gastroesophageal reflux disease

Preliminary Class

128

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).